

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
MARCH 5, 2013**

Place: Auditorium, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Conze, Spain, Cameron, DiDonna, Cunningham

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat  
Channel 79

---

Mr. Conze opened the meeting and read the first agenda item:

**PUBLIC HEARING**

**Continuation of Public Hearing regarding Coastal Site Plan Review #278, Flood Damage Prevention Application #310, Land Filling & Regrading Application #284, Justin & Mary Beth Livengood, 12 Cross Road.** Proposing to raze the existing residence; construct a new single-family residence with associated septic system; modify the driveways; and perform related site development activities within regulated areas. The subject property is located on the northeast corner formed by the intersection of Cross Road and Hope Drive, and is shown on Assessor's Map #65 as Lot #1, R-1 Zone. *HEARING ORIGINALLY OPENED ON JANUARY 8, 2013. CONTINUED TO MARCH 19, 2013 AT APPLICANT'S REQUEST.*

Chairman Conze read the next agenda item:

**Continuation of Public Hearing regarding Proposed Amendments to the Darien Zoning Regulations (COZR #1-2013), put forth by the Planning & Zoning Commission.** Proposal to amend subsections 411 and 416 of the Zoning Regulations relative to the Noroton Bay District Residential Zone (R-NBD). These changes: 1) modify the Background and Purposes for this zone; 2) modify Maximum Building Height in feet in this zone from 30 to 33 feet; and 3) modify Maximum Building Coverage in this zone, by exempting the first six inches of eaves and up to a total of twenty square feet of stair landing and stoop overhangs. *HEARING ORIGINALLY OPENED ON FEBRUARY 26, 2013.*

Mr. Ginsberg indicated that this is a continuation of the public hearing that was started on February 26<sup>th</sup>. The proposed amendments of the Regulations would only affect the residential Noroton Bay District. Amendments or changes for other zones cannot be incorporated at this time because they were not included in the Legal Notice that was published prior to the hearing. If the Commission wants to pursue amendments that would affect the other zones, they would have to start a new procedure that would include notification in the newspaper and notification to the adjacent communities in the Southwestern Regional Planning Agency. Only then, could an expanded public hearing be held.

Mr. Ginsberg said that the current Flood Insurance Rate Maps produced by the Federal Emergency Management Agency (FEMA) indicate that much of the Noroton Bay neighborhood is in the flood

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
MARCH 5, 2013  
PAGE 2 OF 11

zone with an expected flood elevation of 10 feet or 11 feet above the 1988 establishment of Elevation 0.0. The new FEMA Maps that will go into effect later in 2013 indicate that the expected Flood Elevation for much of Noroton Bay will be 14 feet. Since the Darien Zoning Regulations require that the lowest floor (including basement) be at least one (1) feet above the expected flood level, this means that the lowest floors of any new structures will need to be at 15 feet to comply with the new FEMA standards. Since much of the ground elevation on the lots in the Noroton Bay District are at Elevation 6 or 7 or 8, this means that the first floor of the house will be 9 or 8 or 7 feet above the existing ground level. This will require a considerable number of steps or stairs to get from the ground level to the first floor. It is due to the required floor elevations being much higher than the ground level that the Commission is considering the amendments to allow for a greater building height and higher Building Coverage in the residential Noroton Bay District.

Since the steps and stairs frequently count towards building coverage, and since the Commission wants to encourage the use of eaves and overhangs as architectural features of the building, the Commission is considering an amendment to the Regulations that would allow slightly greater building coverage by exempting the first 6 in. of eaves and overhangs from the building coverage calculation. In 1985, the Planning & Zoning Commission amended the Zoning Regulations to clarify what is included in building coverage. Since then, building coverage calculations have included all decks, eaves, overhangs, equipment and all similar structures.

There was some discussion among the Commission members that a two-story house can easily fit within the height limitations even if the lowest floor is at Elevation 15. It is only when someone wants to have extremely high ceilings and they want to finish some space in the attic that they will have a difficult time complying with the current 30 foot height limitation. If the attic is maintained as storage area only, it would be a benefit for the home owner because there will be no basements in the flood zone to allow for storage and it would then be easy to comply with the 30 foot height limitation.

Mr. Spain asked if heating and air conditioning equipment and duct work would be allowed in the attic spaces and if that would be considered habitable or occupied area. Such facilities are allowed in the attic, but they are not considered habitable or finished space.

Mr. Ginsberg indicated that one new structure in Noroton Bay did obtain a variance to be 31 feet tall. That application was processed by the Zoning Board of Appeals. It does allow for some finished space in the attic. He said that most applications being submitted do comply with the existing height limitations and the current Flood Hazard Regulations.

Mr. Ginsberg read out loud the comments from the Connecticut Department of Energy and Environmental Protection and from the South Western Regional Planning Agency.

Mr. Ginsberg said that there are approximately 77 houses within the Residential Noroton Bay District (R-NBD); and 15 to 20 of those sites will be redeveloped as a result of the damage from Storm Sandy. He knows of only one variance of building height that has been requested and granted.

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
MARCH 5, 2013  
PAGE 3 OF 11

Charlie Ernst, President of the Noroton Bay Homeowners' Association, indicated that 35 to 40 houses in the Noroton Bay neighborhood were damaged by Storm Sandy. Many of those property owners are interested in elevating their houses so that they will not be damaged in future storms.

Richard Hokin of 25 Shipway Road said that he has been a resident since 1973. The first floor of his house flooded and he has to repair or rebuild his house. His property is immediately adjacent to, but is not within, the R-NBD Zone. He said that in his case, his house location is on a V-E Zone with an expected Flood Elevation of 15. Because it is within a velocity zone, his first floor must be approximately two feet above the expected flood level, which requires his first floor to be at Elevation 17. He said that the extensive damage and the existing building height may result in it not being feasible to lift the existing structure.

Mr. Hokin said that it would be appropriate for the Planning & Zoning Commission to amend the building height limitation for the R-NBD Zone and to raise the height limitation for the other 70 or more property owners who are located in the V-E Flood Hazard Area. He said that his property is not an isolated case, even though he is close to the R-NBD Zone. He said if the zoning amendment were adopted only for the adjacent zone, and not for his property, then his property would have a relatively lower value because it would not be as developable as the adjacent property. It would force him to apply to the Zoning Board of Appeals for a variance and the uncertainty of whether the variance would be granted would be contrary, in his view, to Article One of the Darien Zoning Regulations. He said that even though he is not in the R-NBD Zone, his property is functionally tied to and accessed through the Noroton Bay neighborhood, so what happens to that neighborhood affects his property value. He said it would be unfair not to give the other property owners in the Flood Hazard Zones, particularly the wave velocity Flood Hazard Zones, similar consideration because all of them must comply with the FEMA standards and requirements. At the end of his testimony, Mr. Hokin said that due to the relatively large size of his lot, the coverage aspects of the proposed changes were not important for him. His concern was about changes in maximum building heights in the R-NBD Zone when there would be no such changes in his zone.

Becky Munro of Ring's End Road said that although she is not in the Noroton Bay neighborhood, they too are in a similar flood hazard zone. She questioned what would happen to them if the building height limitation is changed for one zone that has many properties in the flood hazard area.

Richard Wood indicated that the Commission should exercise caution with respect to the overall building height calculation because changing the Regulations could allow for potentially much larger houses.

Mr. Cunningham excused himself from the meeting for a few minutes.

Attorney Wilder Gleason said that he has represented a number of clients in the Noroton Bay neighborhood and they have had to make design compromises in order to comply with the height limitations. He said that giving these property owners some leeway does make sense, otherwise the property owners would be losing much of the potential for third floor habitable space. He submitted suggestions to the Commission of other ways to allow for greater building height when properties are located in the Flood Hazard Zone. He said that similar provisions should be applicable for areas other than the Noroton Bay neighborhood because they also are in the Flood Hazard areas.

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
MARCH 5, 2013  
PAGE 4 OF 11

Mr. Spain said that it might be more appropriate for relief to be granted by the Zoning Board of Appeals based on a case by case basis. Mr. Cunningham returned to the meeting.

Mr. Gleason said that in order for the Zoning Board of Appeals to grant a variance, they must find a hardship and, in this case, the only hardship would be the loss of potential living space in the attic. He said that in flood zones where the lowest floor must be elevated well above the ground level, it makes it difficult for property owners to properly design a 2½ story residence, to which they are entitled.

There being no further comments, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a subsequent meeting. The motion was made by Mrs. Cameron, seconded by Mr. Spain and unanimously approved.

At about 8:45 p.m., Chairman Conze then read the next agenda item:

**Business Site Plan #285, Land Filling & Regrading Application #294, Loren Meyer & Paige Ridley, 164 Old King's Highway South.** Proposing to: establish a new commercial sales and service use generally requiring external storage or activity; construct an addition to the existing building, with a new driveway off Cross Street; construct associated parking and landscaping; and perform related site development activities. The subject property is located on the west side of Old King's Highway South, at its northwest corner formed by its intersection with Cross Street, and is shown on Assessor's Map #63 as Lot #19, in the SB Zone.

Mr. Ginsberg explained that the existing single family house is located on the corner of Old Kings Highway South and Cross Street. The property is in a Service Business Zone, but it contains a modest, single family home. The Zoning Board of Appeals has granted variances to accommodate the proposed development subject to a number of conditions and stipulations. One of those stipulations prohibited driveway access to and from the Old Kings Highway South. Captain Anderson of the Police Department has indicated that the proposed driveway on Cross Street will not be adequate or safe to accommodate the movement of construction equipment on trailers into and out of the site. He will not permit the proposed driveway to Cross Street if it is to be used for that purpose.

Attorney Wilder Gleason represented the applicant and explained that, without the access to Cross Street, they must have at least one driveway on Old Kings Highway South. He said they found out Captain Anderson's decision on the Thursday before the continuation of the public hearing and they have worked on two revised drawings: a Scheme A and a Scheme B. In both cases, the architectural office and contractor's storage area are virtually the same, but the driveway configurations are different. The differences are the easterly driveway and the parking arrangement. They will need to go back to the Zoning Board of Appeals and ask for additional variances and the removal of the stipulation that prohibits the driveway access to and from Old Kings Highway South. They will also need to ask for a variance to allow parking between the building and the street. He did say that the garage structure would be used only for storage purposes.

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
MARCH 5, 2013  
PAGE 5 OF 11

Mr. Meyer said that no subcontractors would come to the site. It would only be himself and his workers at the site.

Mr. Gleason said that the Police Department concluded that the narrow conditions along Cross Street would not be acceptable for commercial access. He said that the width of Cross Street is approximately 18 feet +/- of paved area. The width of Old Kings Highway South is approximately 24 feet of paved area.

Mr. Conze said that a Bobcat (small excavator equipment) on a trailer would need to get access into the storage portion of the site. The new design is to have that access from Old Kings Highway South. He said that he is very concerned about such commercial access on that residential street.

Mr. Meyer said that the width of Cross Street is actually closer to 16 feet of usable pavement area due to the location of stone walls along the street. Mr. Gleason said that one of the concerns of Captain Anderson of the Police Department was the turning radiance needed to get the trailer into and out of Cross Street. Cross Street is approximately 175 feet in length and connects Boston Post Road to Old Kings Highway South. He said that they would be able to widen it a little bit, but apparently not enough to satisfy the Police Department. They would remove a large tree within the street right-of-way and a fence section and a stone wall that currently restrict the street width.

Mr. Spain said that he understands that applicant's equipment trailer frequently needs to travel in the opposing lane to get into and out of the site, but he felt it would be better to go into and out of the site on Cross Street rather than on Old Kings Highway South.

Mr. Conze suggested that they try making a turning area on the site to avoid having the trailer back out onto Cross Street, while also allowing the pick-up truck and trailer always enter the property from Cross Street going in the forward direction. This would allow a safe access from the site onto and off of Cross Street and could avoid having to use Old Kings Highway South. Mr. Spain said that it would be better to adjust the original plan with the access on Cross Street rather than creating business access onto Old Kings Highway South. Mr. Conze suggested that Mr. Ginsberg communicate to the Police Department that the Planning & Zoning Commission is not pleased with the Old Kings Highway South access and they would prefer the access to be to and from Cross Street.

Mr. Gleason said that they will need to go back to the Zoning Board of Appeals and the Architectural Review Board. He asked if the Planning & Zoning Commission had a preference of Scheme A or Scheme B. Mr. Conze indicated that Scheme B seemed to be better than Scheme A, but he would much prefer to have a Cross Street driveway than an Old Kings Highway South driveway.

The Commission did not take any action on this matter and did not close the public hearing. The public hearing will be continued on March 19, 2013.

At about 9:25 p.m., Chairman Conze then read the next agenda item:

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
MARCH 5, 2013  
PAGE 6 OF 11

**Coastal Site Plan Review #280, Land Filling & Regrading Application #291, Andrew & Alexis Sweet, 20 Beverly Place.** Proposing to renovate existing rear terraces and walls and changes to landscape plantings, walks, and walls, and perform related site development activities within a regulated area. The subject property is located on the east side of Beverly Place approximately 500 feet south of its intersection with Hawthorne Road/Salem Straits, and is shown on Assessor's Map #62 as Lot #81, R-1 Zone.

Elizabeth Gonzales-Guillot, Registered Landscape Architect, from Doyle Herman Design Associates explained that the proposed renovations are to the exterior of the existing structure. The property is located on the south side of Beverly Place near its westerly turnaround. The plans include the renovation of the patio and terrace areas that extend southwest and northeast of the existing house. The terrace areas are well above the expected flood level, but they are within the 100 foot critical Coastal Area Management area.

Mr. Ginsberg read aloud the comments from the Connecticut Department of Energy and Environmental Protection (DEEP) indicating that they did not find any inconsistencies with respect to the Coastal Area Management policies.

Elizabeth Gonzales-Guillot said that a little bit of fill material would be necessary, but that the area will be kept stable so that it will not be susceptible to erosion during the renovation and restoration of the patios and terraces. She said that sediment and erosion controls will be utilized until vegetation is established. Much of the work is near the house, but some of the work will involve reconstruction of stairways leading from the terrace area down toward the shore.

There were no comments regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter. They will render a decision at a future meeting. The motion was made by Mrs. Cameron, seconded by Mr. Spain and unanimously approved.

Chairman Conze read the next agenda item:

**Land Filling & Regrading Application #290, John Nelson, 51 Arrowhead Way.** Proposing to remove existing paved terraces and steps and replace with new terraces and steps, and perform related site development activities. The subject property is located on the east side of Arrowhead Way, approximately 500 feet southwest of its intersection with Hope Drive, and is shown on Assessor's Map #69 as Lot #17, in the R-1 Zone.

Keith Simpson explained that the project involves restoring and renovating existing terraces and steps. He said that sediment and erosion controls will be utilized throughout the construction process. He said that the existing site conditions of the old property are unstable. He reviewed photos of the existing conditions and photographs of other projects at other locations to illustrate the types of work that will be performed. He said that there will be no concrete or steel, but they will be using large slabs of stone with smaller stones on the sides. He reviewed the details of the plans regarding the steps and the various levels being created. He said that a small amount of fill will be needed. No hoe ramming or blasting will be necessary for the project.

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
MARCH 5, 2013  
PAGE 7 OF 11

Mr. Ginsberg indicated that there was a concern that heavy equipment must be kept out of the septic system area in order to avoid impacts to the septic system.

Mr. Simpson said that the septic system was located on the other side of the property and they will take measures to assure that it will not be impacted when equipment or materials are brought to the site.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Spain, seconded by Mrs. Cameron and unanimously approved.

Chairman called a General Meeting to order, and read the next agenda item:

**GENERAL MEETING**

**Flood Damage Prevention Application #325, Barbara Cox, 174 Nearwater Lane.** Proposing to construct a new single-family residence and perform related site development activities within a regulated area. The subject property is located on the east side of Nearwater Lane, at the northeast corner formed by its intersection with Shipway Road, and is shown on Assessor's Map #57 as Lot #28 in the R-NBD Zone.

Harrison Gill explained that the house on the property was damaged during Storm Sandy. It has since been demolished to make way for a new house that will be constructed. Unlike some of the other houses that will need many steps to get from the ground into the house, this new house is designed with the entry foyer and garage at the ground level. Once in the entry foyer, a set of stairs will lead to the first floor which will be located approximately 8 feet above the ground. This new house design does comply in all respects to the Flood Damage Prevention Regulations. Storm drainage information has been submitted to indicate how the storm water runoff from the roof will be accommodated.

Mr. Ginsberg explained that a utility access lines will be underground and that this is one-bedroom house design. He said that a gravel stone trench surrounding the house structure will be approximately two ft. deep and two ft. wide. This will allow for the dispersion of the rain water from the roof.

Mr. DiDonna questioned the very high window on the south side of the house and whether it would be damaged by future flood waters.

Harrison Gill, Project Architect, explained that the design of the entire structure, including the window, will withstand flood forces including hurricane winds. He said that this is a low site, and rather than having external stairs to lead from the ground level up to the first floor, it was designed to have a small, internal entry foyer which is allowed by the Flood Damage Prevention Regulations so that access up the stairs will be protected from weather conditions. The only use of the ground floor area is a small entry way, the garage space, and a small storage area which will have flood vents to allow the equalization of water pressure. He said a straight stairway has been incorporated

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
MARCH 5, 2013  
PAGE 8 OF 11

into the design so that if a chair lift is ever needed, it can easily be installed. He said that the walls surrounding the garage space and storage area are not solid or breakaway walls, rather they are just slats that have spaces in between. These spaces will allow for the flow of flood waters through the walls so that there will be no damage to the structure and no damage to other properties.

Mr. Ginsberg said that a public hearing could be waived by the Commission since the applicant has obtained sign-offs from all the neighboring property owners.

Mr. Spain said that it seems to him that the project should be approved with the regular conditions and the condition that a notice be filed in the Land Records regarding the maintenance of the drainage system. The following motion was made: That the Planning & Zoning Commission approve the project for the reconstruction of a new house at 174 Nearwater Lane subject to the following conditions and stipulations:

1. The approved plans are entitled:
  - Drainage Improvement Plan, Cox Residence 174 Nearwater Lane, by Grumman Engineering, LLC, dated 3-2-13 and revised 3-5-13, Sheet 1 of 1.
  - Map prepared for Barbara M. Cox, Trustee, by RKW Land Surveying, scale 1"=20', Survey date December 12, 2012.
  - Replacement Residence for Barbara & Bill Cox, by Gill & Gill Architects, dated Feb. 20, 2013, Drawing No. A-1 through A-8, and E-1.
2. Accompanying the Zoning and Building Permit applications and prior to commencing construction, a certification shall be submitted from a licensed architect or engineer that verifies that the final design complies with the applicable flood damage prevention requirements.
3. Prior to the issuance of a Zoning and Building Permit, a Drainage Maintenance Plan shall be prepared by the applicant's engineer and submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 174 Nearwater Lane to maintain the on-site drainage facilities, and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the issuance of a Zoning and Building Permit.
4. In order to finalize this approval and prior to the issuance of a Zoning and Building Permit, the applicant must file a "Notice of Drainage Maintenance Plan" in the Darien Land Records. That form can now be picked up from the Planning and Zoning Department and brought to the Darien Town Clerk, along with a \$53 filing fee.
5. A detailed storm water drainage system design has been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Zoning Compliance or Certificate of Occupancy for the new house, the applicant shall submit an as-built survey for the land filling and regrading aspects of the project, as prepared by a licensed



PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
MARCH 5, 2013  
PAGE 9 OF 11

land surveyor, and it shall show the final finished grades with one foot contours, as well as the foundation location of the house.

6. During construction, the applicant shall utilize sediment and erosion controls as shown on the submitted Drainage Improvement Plan and as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
7. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer or architect that all aspects of the building construction have been completed in compliance with the approved plans and the flood damage prevention regulations. A final "as-built" survey is hereby required to verify that the final work is in compliance with the approved plans and the Flood Damage Prevention Regulations.
8. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes the requirement for Zoning and Building Permit applications, and a Sewer Connection Permit for the new residence.

The motion was made by Mr. Spain, seconded by Mrs. Cameron and unanimously approved.

At about 9:55 p.m., Chairman Conze then read the following agenda item:

Discussion, deliberation and possible decision on the following if the public hearing has been closed:

**Proposed Amendments to the Darien Zoning Regulations (COZR #1-2013), put forth by the Planning & Zoning Commission.** Proposal to amend subsections 411 and 416 of the Zoning Regulations relative to the Noroton Bay District Residential Zone (R-NBD). These changes: 1) modify the Background and Purposes for this zone; 2) modify Maximum Building Height in feet in this zone from 30 to 33 feet; and 3) modify Maximum Building Coverage in this zone, by exempting the first six inches of eaves and up to a total of twenty square feet of stair landing and stoop overhangs.

Mr. Cunningham said that he would not participate in the discussion because he had not been able to attend the previous public hearing.

Mrs. Cameron said that she is very concerned about raising the height limitation. She said she has driven through the Noroton Bay neighborhood quite a lot lately and noted that they are mostly small lots and that the ground is very low and subject to flooding. She said that it would be appropriate to leave the building height limitation at 30 feet, and allow the Zoning Board of Appeals to deal with any unique situation rather than the Planning & Zoning Commission allowing all properties to have

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
MARCH 5, 2013  
PAGE 10 OF 11

greater building height. She said that she was very concerned with the character of the neighborhood being adversely impacted if the building height is allowed to be greater. She said that she did understand the need for slightly larger building coverage limitations and allowing six inches of eave overhang not to be included in the building coverage calculation does make sense to her.

Mr. DiDonna said that he agrees with Mrs. Cameron. Mr. Spain said that he agrees with his colleagues and he has faith that the Zoning Board of Appeals will recognize unique hardships and circumstances and grant variances only when and where appropriate. He said that increasing the allowable building coverage in the Residential Noroton Bay District does seem appropriate due to the small size of all of the lots in the zone and the neighborhood character. He said the Commission should change the background and purposes of the zone only to the extent of allowing the extra building coverage and not allowing the building height to increase.

Mr. Conze said that he concurs with the others and noted that it is important to recognize that virtually all of the lots in this zone are very small. He said that new houses should be designed to comply with the current height limitations rather than making them bigger than what would be allowed.

The Commission asked the staff to draft a motion for action at a future meeting.

Mr. Spain said that the Commission will learn from what happens relative to the building coverage calculations in the Residential Noroton Bay District. He suggested that they wait for that before they considering amending the building coverage calculations in other flood impact zones.

At about 10:05 p.m., Chairman Conze read the following agenda item:

**Introduction of potential pending contract purchaser, and brief informal discussion of Noroton Heights redevelopment.**

John Tschiderer of Federal Realty Investment Trust introduced himself and explained that his firm has done work on similar projects and redevelopment of other properties in other communities. He said that their goal is not just to create buildings, but to create special spaces based on the opportunities available and the community need.

Mr. Conze said that this Noroton Heights neighborhood has evolved over many decades and there are many styles to the existing commercial buildings. He said the area needs coordination and redevelopment. He gave Mr. Tschiderer a copy of the 2006 Town Plan of Conservation and Development. He said that it is very important that whoever develops the property preserve the single family residential community and character of the immediate neighborhood around the Noroton Heights Business District. He said that the Commission is also concerned about the need for affordable housing and for a remedy to the existing drainage problems that have plagued the area. The Commission is on board with the prospect of mixed use development and is very concerned with the totality of the project.

Mr. Tschiderer said that his firm is fixated on the quality of the development.

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
MARCH 5, 2013  
PAGE 11 OF 11

Mr. Conze said that one of the value-added, recent additions to the Town is the construction of the Whole Foods Market. There was considerable controversy when that use was proposed. One of the things that the Commission and the developer there undertook was to solve the existing traffic safety problem at the intersection of the off-ramp from the turnpike and Route One. Thanks to their handling of the situation, the safety problem has been eliminated.

Mr. Spain said that the special Noroton Heights Overlay Zone does contemplate the mixed-use redevelopment of the properties part of which is very near the train station and transportation facilities. He said that multi-family residential units within the development are an important factor and the Commission looks forward to approving high quality plans, not so much to improve the tax base, but to improve the community within and around this district.

There being no further business, the following motion was made: That the Commission adjourn the meeting. The motion was made by Mrs. Cameron, seconded by Mr. Spain and unanimously approved.

The meeting was then adjourned at 10:35 p.m.

Respectfully submitted,

David J. Keating  
Assistant Planning & Zoning Director

*03.05.2013.min*